



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/679,210

10/04/2000

Donald F. Gordon

SEDN/246CIP1

8170

56015. 7590 06/27/2007

PATTERSON & SHERIDAN, LLP/  
SEDNA PATENT SERVICES, LLC  
595 SHREWSBURY AVENUE  
SUITE 100  
SHREWSBURY, NJ 07702

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 06/27/2007

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**JUN 27 2007**

**Technology Center 2600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/679,210  
Filing Date: October 04, 2000  
Appellant(s): GORDON ET AL

---

Eamon J. Wall  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed November 15, 2006 appealing from the  
Office action mailed June 20, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

|           |                  |         |
|-----------|------------------|---------|
| 6,401,242 | EYER ET AL.      | 6-2002  |
| 6,463,585 | HENDRICKS ET AL. | 10-2002 |
| 5,515,106 | CHANEY ET AL.    | 5-1996  |

Art Unit: 2623

5,867,208

MCLAREN

2-1999

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25, 18 and 20-23 rejected under 35 U.S.C. 103(a) as being unpatentable over **Eyer et al (6,401,242)** in view of **Hendricks et al (6,463,585)** and further in view of **Chaney et al 95,515,106**). This rejection is set forth in a prior Office Action, mailed on 06/20/2005.

Claims 16 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over **Eyer et al (6,401,242)** in view of **Hendricks et al (6,463,585)** and further in view of **Chaney et al 95,515,106**) and further in view of **McLaren (5,867,208)**. This rejection is set forth in a prior Office Action, mailed on 06/20/2005.

### **(10) Response to Arguments**

As to Appellant's argument that the rejection of claims 1-25, 18 and 20-23 as being unpatentable over **Eyer et al (6,401,242)** in view of **Hendricks et al (6,463,585)** and further in view of **Chaney et al 95,515,106**) is not well founded because "The Office Action failed to establish a prima facie case of obviousness, because the combination of Eyer242/Hendricks/Chaney753 fails to teach or suggest all of the claim elements," and further argues that "Eyer242 fails to disclose the claimed session manager coupled to a transport stream generator and the transport stream generator coupled to encoding units. The Office Action erroneously states that the claimed encoding units are met by Eyer242's MPEG-2 encoders 1-N 20, 230...., The problem is that neither IPGT 220 nor

Art Unit: 2623

SAC 240 are coupled to MUX/MOD 250. These elements are shown in Figure 2 and described in col.7, line 66 to col.8, line 32. Figure 2 shows only the lines from the MPEG-2 encoders 1-N 220, 230 to MUX/MOD 250. Figure 2 does not show any lines from IPGT 220 or SAC 240 to MUX/MOD 250." (see page labeled 14 of 27-15 of 27 of Appellant's Brief).

In response, Examiner respectfully disagrees. Examiner notes Appellant's arguments, however, as to Appellant's arguments that figure 2 of Eyer242 shows only lines between processing units and not coupled to each other, Examiner maintains that Eyer242 discloses and Uplink Site with various processing elements (IPG Data Server 210, IPG Translator 225, MPEG-2 Encoder 1-N, SAC 240 MUX/MOD 250 and Transmitter 110) coupled to each other in a local area network (LAN), (see figure 2 and col. 7, line 66-col. 8, line 32). Furthermore IPG Translator (Session Manager) is coupled to MUX/MOD via MPEG-2 Encoder 1-N and not just lines as argued by Appellant. Furthermore Appellant's own disclosure (see figures 1A-1B) shows similar lines between various processing units. Examiner, maintains the Eyer's Uplink site and the various elements are coupled to each other and U.S.C 103(a) rejection under Eyer et al in view of Hendricks et al (6,463,585) and further in view of Chaney et al (5,515,106), is proper and should be sustained, since the rejection meets all the claimed limitations of independent claims 1 and 18 and their respective dependent claims 2-15 and 19.

In response to appellant's argument's of independent claim 20, Eyer further teaches that IPG Translator 225 receives configuration data, which includes associated

Art Unit: 2623

parameters such as time slot size, bit rate, look-ahead time, data link controller address, group ID and group name, region map and ID, region name, etc., and transmits continuous flow of data to MPEG-2 encoders which also receives entitlement management message (EMM) data from Subscriber Authorization Center (SAC) 240. Eyer further teaches that this data, which is appended to the various programming services, authorizes the decoders to receive particular programming services, for example, according to a tiered marketing scheme (see col. 4, line 64-col. 5, line 11, col. 6, line 1-18 and col. 8, lines 6-28). Although Eyer discloses using a tiered marketing scheme to transmit EPG data, it appears, Eyer fails to explicitly teach monitoring demands from a plurality of terminals and comparing the demands from the plurality of terminals and dynamically adjusting the number of transport streams to be transmitted to the plurality of terminals based on the result, a deficiency in Eyer, which is disclosed in Hendricks et al (6,463,585), where a Headend controller or operation center monitors demands from a plurality of terminals, and dynamically generates on the fly menus and adjusts the number of transport streams to be transmitted to meet the plurality of demands of the IPG based on the user's interaction to the IPG (fig. 17, col 16, lines 55-67, col. 19, lines 49-62, col. 20, lines 10-18 and lines 36-40). Hence Examiner maintains the U.S.C 103(a) rejection, Eyer in view of Hendricks and further in view of Chaney, of claims 20-23 is proper and should be sustained, since the rejection meets all the claimed limitations. Examiner further maintains that, for the same reasons discussed above, the U.S.C. 103(a) rejection, Eyer in view of Hendricks and Chaney and further in view of McLaren (5,867,208), of claims 16 and 17 is proper and should be sustained,

Art Unit: 2623

since the rejection meets all the claimed limitations.

**(11) Related Proceeding(s) Appendix**

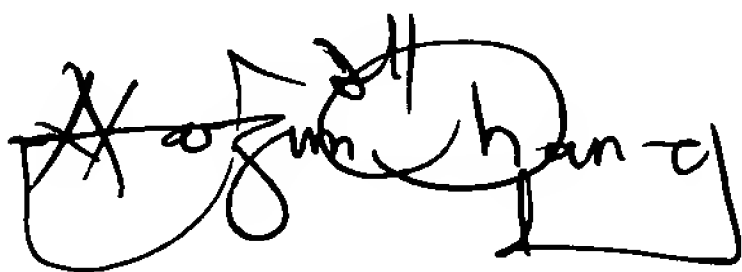
None

For the above reasons, it is believed that the rejections should be sustained.

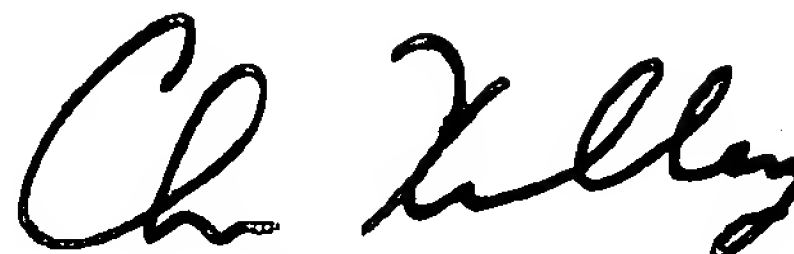
Respectfully submitted,

Annan Q. Shang

Conferees:

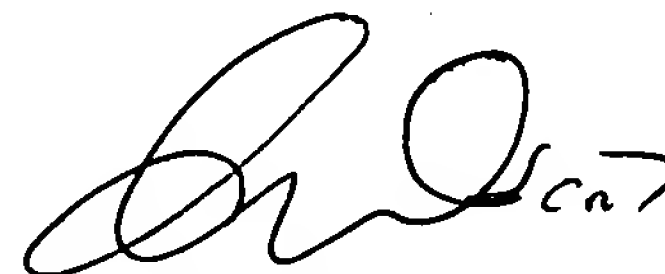


Annan Q. Shang



CHRIS S. KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700

Chris S. Kelly



CHRISTOPHER GRANT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Chris C. Grant

PATTERSON & SHERIDAN, L.L.P

595 SHREWSBURY AVENUE, SUITE 100

SHREWSBURY, NEW JERSEY 07702